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WHEN BAD THINGS HAPPEN TO GOOD INTENTIONS: THE DEVELOPMENT AND DEMISE OF A TASK FORCE EXAMINING THE DRUGS-VIOLENCE INTERRELATIONSHIP

*Deborah W. Denno**

Between 1994-1996, I was one of twenty-eight members of a Drugs→Violence Task Force ("Task Force") created to report to the United States Sentencing Commission specific findings, conclusions, and recommendations concerning the interrelationship (if any) between drugs and violence.¹ The Task Force developed from the

* Professor, Fordham University School of Law. B.A., University of Virginia, 1974; M.A., University of Toronto, 1975; Ph.D., University of Pennsylvania, 1982; J.D., University of Pennsylvania, 1989. This Essay's points of view are mine only and do not necessarily represent the views of any other individual or organization associated with the Drugs→Violence Task Force.

¹ The Task Force was chaired by Gordon P. Waldo, Professor, School of Criminology & Criminal Justice, Florida State University. The eight ex-officio members of the Task Force (who sent representatives to participate directly in the Task Force meetings and discussions) were, at the time: The Honorable Lee P. Brown, Former Director, Office of National Drug Control Policy; H. Talbot "Sandy" D'alemberte, President, Florida State University; Peter B. Edelman, Counselor to the Secretary, U.S. Department of Health & Human Services; The Honorable Edward M. Kennedy, U.S. Senator, Massachusetts; The Honorable A. David Mazzone, Commissioner, U.S. Sentencing Commission; The Honorable Janet Reno, Attorney General of the United States; The Honorable Robert C. Scott, U.S. Representative, Virginia; and The Honorable Christine Todd Whitman, Governor of New Jersey. In addition to Professor Waldo and myself, the remaining twenty Task Force members were: Theodore G. Chiricos, Professor, School of Criminology & Criminal Justice, Florida State University; Jeanette Covington, Associate Professor, Department of Sociology, Rutgers University; Patricia G. Erickson, Senior Scientist, Social & Evaluation Research Department, Addiction Research Foundation; Paul J. Goldstein, Associate Professor, School of Public Health, University of Illinois at Chicago; Leroy Gould, Professor, School of Criminology & Criminal Justice, Florida State University; Mary Frances Harkenrider, Counsel to the Assistant Attorney General for the Criminal Division, U.S. Department of Justice; Tonya A. Harris, Associate Professor, School of Nursing, Florida State University; Edward Jurith, General Counsel, Office of National Drug Control Policy; Susan Katzenelson, Director, Office of Policy Analysis, U.S. Sentencing Commission; Gary Kleck, Professor, School of Criminology & Criminal Justice, Florida State University; Kathy Makinen, Research Assistant, School of Criminology & Criminal Justice, Florida State University; The Honorable Consuelo B. Marshall, Judge of the U.S. District Court for the Central District of California; Phyllis Newton, Staff Director, U.S. Sentencing Commission; David Rasmussen, Professor, Department of Economics & Program Director, Policy Sciences Center, Florida State University; Bruce Stout, Policy Advisor, Office of the Governor of New Jersey; Bobby Vassar, Legislative Aide to Congressman Robert Scott; Sarah Vogelsberg, Assistant to the Counsel to the Secretary for Drug Abuse Policy, U.S. Department of Health & Human Services; and

Sentencing Commission's first sponsored symposium in 1993 entitled *Drugs and Violence in America*.² The symposium was a success, but it left open many questions. Moreover, earlier task forces and commissions could not provide adequate answers; they focused either on drugs or violence and only rarely (and then, superficially) on the association between the two.³ The Task Force constituted the first organized effort to study the drugs-violence interrelationship exclusively.⁴

This Essay discusses briefly the Task Force's goals, development, unreconciled conclusions and recommendations, as well as its ultimate demise. Much of the Essay's recount stems from the Task Force's Preliminary "Final" Report ("Final Report" or "Report")⁵ which was never published and never agreed upon by all of the Task Force members. Attempts to gauge and unify Task Force members' views of the Final Report, particularly the Report's conclusions and recommendations, made clear the controversy of the subject matter.⁶

In general, much of the controversy concerning how to approach the drugs-violence problem reflects two conflicting and long-held views of drugs and crime: the *criminal justice view*, which emphasizes detecting and punishing drug offenders,⁷ and the *public*

Ronald Weich, General Counsel, U.S. Senate Committee on Labor & Human Resources. See Preliminary "Final" Report to the United States Sentencing Commission from the Drugs→Violence Task Force 3 (June 27, 1996) (unpublished manuscript, on file with the author and with *Albany Law Review*) [hereinafter Final Report].

² See Symposium, *Drugs & Violence in America*, U.S. SENTENCING COMM'N i-ii (1993) (explaining that in response to the overwhelming need to curb drug abuse and violence in the United States, Congress mandated that the U.S. Sentencing Commission critically evaluate criminal justice policies and investigate ways to improve the policies).

³ See Final Report, *supra* note 1, at 3 (noting that some of the conclusions derived from these earlier efforts are nevertheless relevant to the Final Report).

⁴ See *id.* (explaining that the need for a better understanding of the relationship between drugs and violence sparked the cooperative effort of the U.S. Sentencing Commission and the School of Criminology & Criminal Justice at Florida State University).

⁵ See *id.*

⁶ Many of the Final Report's conclusions and recommendations stem from the discussion and content of Task Force meetings held over a two-year period. See *id.* at 140-55 (setting forth the Task Force's conclusions and recommendations); App. A (setting forth the Task Force's conclusions); App. B (setting forth the Task Force's recommendations). However, most of the Final Report consists of an extensive literature review that was authored by the Task Force Chair, Professor Waldo, and his assistant, Kathy Makinen. See Final Report, *supra* note 1, at 13-21 (providing an overview of the research performed on the drugs-violence relationship); see also *id.* at 156-202 (listing the sources referred to in the Final Report).

⁷ See THEODORE R. VALLANCE, PROHIBITION'S SECOND FAILURE 94 (1993) (explaining that proponents of the criminal justice view favor (1) deterrence of illicit behavior through fear of punishment, (2) prevention of illicit behavior through detention of offenders, (3) reform through parole and rehabilitation while in prison, and (4) "socially acceptable vengeance on wrongdoers").

health view, which advocates treating the drug addiction that leads some individuals to commit crime.⁸ Traditionally, the criminal justice view is associated with a “tough on crime” attitude that attracts wide public appeal,⁹ while the public health view is vulnerable to accusations of “coddling criminals.”¹⁰ Although now it appears that this tension between views may be lessening,¹¹ the conflict was alive and well during the years preceding the Task Force’s development, and while its members were meeting. I believe the tension also contributed, in part, to the Task Force’s ultimate demise and lack of consensus.

It is lamentable that the Task Force could not rise above its differences and complete an approved final report incorporating more thoroughly the varied expertise and backgrounds of its members: academics, researchers, government officials, politicians, and administrators. Then too, other factors interfered with this goal. For example, during the Task Force years, a number of individuals resigned from the Sentencing Commission and support for the Task Force waned along with the dwindling of the Commission’s staff. At times I sensed unarticulated concerns that

⁸ See *id.* (noting that proponents of the public health approach advocate (1) discovery and alleviation of the causes of drug abuse, (2) prevention of drug abuse through education, and (3) affordable drug treatment for individual users); see also EVA BERTRAM, ET AL., *DRUG WAR POLITICS: THE PRICE OF DENIAL* 198 (1996) (explaining that proponents of the public health view support the notion that a person who is addicted to drugs is “considered a person with a health problem in need of care, not a criminal in need of punishment”); Bonnie Steinbock, *Drug Prohibition: A Public-Health Perspective*, in *DRUGS, MORALITY, AND THE LAW* 217, 227, 229, 235-36 (Steven Luper-Foy & Curtis Brown eds., 1994) (explaining that the public-health approach requires education about the dangers of drug abuse); App. B (recommending a public health approach that includes (1) coordination of particular community services, including law enforcement, social service providers, schools and business owners, (2) improving the quality of life in inner cities through access to schools, police, hospitals and recreation facilities, and (3) providing educational prevention programs to children with learning and behavioral problems within those communities).

⁹ See Christopher S. Wren, *Top U.S. Drug Official Proposes Shift in Criminal Justice Policy*, N.Y. TIMES, Dec. 9, 1999, at A23 (noting that politicians and law enforcement officials are skeptical of the value of treating criminals for drug addiction).

¹⁰ See *id.* (explaining the need for a challenge to “the notion that treating addicts amount[s] to being soft on crime”); see also VALLANCE, *supra* note 7, at 94 (stressing that although the public health view advocates alternatives such as treatment and education, crimes that are the consequence of drug use “would remain . . . punishable under existing codes”).

¹¹ See Wren, *supra* note 9 (discussing the recent shift in criminal justice policy by Gen. Barry R. McCaffrey, the White House’s Director of National Drug Policy, who has proposed a strategy to incorporate drug testing and treatment in all phases of the criminal justice process because the criminal justice system is a “disaster” that results in the incarceration of thousands of drug offenders who are not being treated for the addictions that caused their imprisonment).

the Task Force's effort was simply too politically charged and uncomfortable.

Regardless of the disappointing outcome, however, the Task Force's Chair and members¹² deserve applause for even attempting to resolve such a politically heated topic. The Task Force's initial optimism and spirit were well founded: there had been much criticism of the drug laws, and there was a great need for change.¹³ Moreover, recent trends seemingly support a number of the Final Report's proposals.¹⁴ This change suggests that the Task Force's mix of goals and backgrounds is a preferred approach for understanding comprehensively the difficult and important problem of drugs and violence even though it may also hinder a clear group consensus.

Part I of this Essay presents briefly the Task Force's primary purpose and goals, most particularly, the study of the interrelationship between drugs and violence without presuming the nature, direction, or even existence of any sort of a causal link between the two.¹⁵ Parts II¹⁶ and III¹⁷ examine, respectively, the Task Force's conclusions and recommendations, which span a very wide range. Part IV concludes that although some bad things happened to the Task Force (its abrupt end and lack of unity), some good things happened too.¹⁸ The production of a rich and comprehensive Final Report could not have been accomplished without such a varied Task Force membership. Future efforts may want to capitalize on group disagreements by producing a report providing majority and minority views so that individuals representing different interests may have their say. Despite the lack of consensus, it became clear that the Task Force's ideological discord could result in a fresh perspective, thereby offering changes and strategies unmatched by thoroughly unified efforts. The disunity that appeared to be a bad thing with the Drugs→Violence

¹² See *supra* note 1 (listing the Chair and members of the Task Force).

¹³ See Spiros A. Tsimbinos, *Is It Time to Change the Rockefeller Drug Laws?*, 13 ST. JOHN'S J. LEGAL COMMENT. 613, 614 (1998) (noting that there has been much debate regarding the fairness and effectiveness of New York's Rockefeller Drug Laws, culminating in calls for their repeal).

¹⁴ See *infra* note 85 and accompanying text (noting that a recent proposal from the White House's drug czar "mirrors directly what the Final Report suggested").

¹⁵ See *infra* notes 19-31 and accompanying text.

¹⁶ See *infra* notes 32-54 and accompanying text.

¹⁷ See *infra* notes 55-85 and accompanying text.

¹⁸ See *infra* notes 86-89 and accompanying text (noting that the benefits of the Task Force's diversity in membership far exceeded the hindrances).

Task Force can be the very thing that makes forthcoming efforts effective and worthwhile.

I. THE TASK FORCE GOALS

The Task Force's primary purpose was to better comprehend the link between drugs and violence without assuming the presence or direction of a causal relationship.¹⁹ For example, a key concern was whether there was any such relationship at all or, alternatively, whether there were many types of relationships.²⁰ Assuming there was a relationship, the Task Force acknowledged the different possible directions that relationship could take: drugs may cause crime, criminality may lead to drug use, or there could be some sort of reciprocal relationship in which crime caused drug use, which in turn caused further crime, which increased and heightened prior drug use, etc.²¹ The Task Force also left open whether any of these effects would be direct, indirect, both, or neither, all the while realizing that any causal relationship was likely to be complex and difficult to find.²²

The Task Force's refusal to presume any causal link between drugs and violence already contravened the motivating force behind many, if not most, of the more stringent drug statutes, such as the Rockefeller Drug Laws.²³ Moreover, the Task Force engaged in an

¹⁹ See Final Report, *supra* note 1, at 3-4 (noting that while there is a common perception that drugs cause violence, research often disputes this relationship, which indicates the need for further study).

²⁰ See *id.* (asserting that the Task Force was not founded upon assumptions regarding either the existence or direction of a causal relationship).

²¹ See *id.* at 4 (stressing that while many different kinds of drugs-violence relationships were acknowledged as possibilities, their existence was left an open question).

²² See *id.* There is evidence to support at least seven different ways of explaining the relationship between drugs and violence:

- 1) Drug use causes people to engage in criminal behavior.
- 2) People who commit crimes are more likely to become drug users.
- 3) Criminal behavior and drug use are closely related but neither causes the other, they are both products of the same set of background conditions that produce an interrelated set of deviant practices sometimes referred to as a "general deviance syndrome."
- 4) It doesn't matter which came first because drug use and criminal behavior exist in a reciprocal relationship so that criminal behavior increases drug use and then drug use increases criminal behavior, and a feedback loop continues between the two.
- 5) Criminal behavior usually occurs before drug use, but heavy drug use greatly increases the frequency and seriousness of the criminal behavior.
- 6) The relationship between drug use and criminal behavior varies depending on the different types of drug abuse.
- 7) There is no relationship between drug use and criminal behavior.

Id. at 124.

²³ See Tsimbinos, *supra* note 13, at 633 (documenting executive and judicial presumptions of a relationship between drugs and crime).

extensive, multifaceted effort to study the relationship by (1) examining all the major reviews of the research published in the area as well as the most important original studies on the drugs-violence link, (2) funding four original studies further investigating the relationship, (3) inviting experts to present their research, opinions, and conclusions on major drugs-violence topics, (4) discussing the research findings among the Task Force members, and (5) applying all the substance gleaned by the research and expert presentations in drafting the Task Force's conclusions and recommendations.²⁴

One of the Task Force's major problems was defining or clarifying certain key terms to ensure a comprehensible dialogue among its members, who demonstrated a range of diverse backgrounds.²⁵ For example, the Task Force devoted a substantial amount of time defining the key words "violence" ("overt behavior directed by one person against another, intended to inflict physical pain or injury")²⁶ and "drug" ("any substance that produces a psychoactive effect when introduced into the human body").²⁷ Similarly, there was much focus on which topics the Task Force would not discuss; for example, whether to exclude the topic, the legalization and/or decriminalization of drugs, provoked long and heated debate.²⁸ Whereas some Task Force members believed that legalization/decriminalization might provide at least a partial solution to the violence stemming from illegal drug markets, other members were convinced that legalization/decriminalization would only worsen the drug-violence problem and enhance the total amount of harm attributable to drugs.²⁹ Similarly, even though Task Force members believed that some legal drugs, such as

²⁴ See Final Report, *supra* note 1, at 4 (setting forth the components of the Task Force that allowed it to accomplish its purpose).

²⁵ The members of the Task Force recognized the importance of clarifying the concepts, "drugs" and "violence," so that the terminology would

1) correspond to general usage in the context in which it is to be used, 2) be suited to the tasks to which it will be put, 3) include those elements that users commonly have in mind when they use the term being defined, and 4) exclude elements which might be confused with, but which do not belong with, the elements in (3).

Id. at 5.

²⁶ *Id.*

²⁷ *Id.* at 7. As the Final Report explains, this definition of "drug" represents a compromise between the competing concerns of including and excluding too many types of drugs. See *id.*

²⁸ See *id.* at 9 (noting that because the Task Force did not systematically examine the multitude of complicated issues involved with the legalization and/or decriminalization of drugs, it was not prepared to comment on the subject).

²⁹ See *id.* (highlighting the debate surrounding the pros and cons associated with the legalization and decriminalization of drugs).

alcohol, could be relatively more harmful than illegal drugs, past difficulties linked with Prohibition suggested that the criminalization of legal substances is not effective.³⁰ All this groundwork laid the foundation for addressing the Task Force's "charge": to "determine the most important and most valid conclusions that can be reached concerning the potential relationship(s) between drugs and violence."³¹

II. THE UNRECONCILED TASK FORCE CONCLUSIONS

The Final Report's conclusions³² were unreconciled because Task Force members could not reach a unanimous consensus approving all of them.³³ Because the Final Report was written after the Task Force's last group meeting, it is difficult to know which aspects of the conclusions concerned which disagreeing members. Presumably, most of the Task Force's academics probably accepted the conclusions; however, it is likely that other members found some or all of the conclusions politically troublesome given that many seemed to counter the criminal justice view.

The underlying framework for the Final Report's conclusions and the Task Force's study of the drugs-crime relationship was based on Paul Goldstein's model proposing three different ways in which drugs could possibly increase violence: (1) *psychopharmacological violence*-violent crime committed as a result of an individual's drug consumption which is typically accompanied by impulsive and/or irrational behavior, (2) *economically compulsive violence*-violent crime, such as robbery, committed by drug addicts to support their expensive drug habit, and (3) *systemic violence*-violent crime committed by individuals participating in the illegal drug market who cannot rely on the criminal justice system for protection or enforced compliance to drug contracts.³⁴

Examination of Goldstein's model required a broad review of the many types of drugs/violence research (e.g., animal studies vs. cross

³⁰ See *id.* at 9-10 (noting that excessive consumption of alcohol and nicotine, both of which were at one time illegal, leads to more loss of life than all other drugs combined).

³¹ *Id.* at 7; *infra* note 74 (reiterating the purpose of the Task Force).

³² See Final Report, *supra* note 1, at 140-43 (setting forth the Task Force's conclusions); App. A (same).

³³ The Task Force's dilemma parallels the lack of consensus found among other experts. See Final Report, *supra* note 1, at 140-43 ("Most experts agree there is some type of relationship between drugs and violence, but significant issues concerning its causality, direction, form, magnitude and importance still must be determined."); App. A (same).

³⁴ See Paul J. Goldstein, *The Drugs/Violence Nexus: A Tripartite Conceptual Framework*, 15 J. DRUG ISSUES 493, 494-502 (1985).

cultural variations), the many types of drugs (ranging from legal drugs, such as alcohol, to illegal drugs, such as crack and opiates), and mediating or confounding variables, such as patterns of drug use over time or the type of community in which most drug use occurred.³⁵ One of the Task Force's more intriguing questions, however, concerned the direction of the drug-crime relationship: Does drug use lead to criminality or does aggressive and/or criminal behavior lead to drug use?³⁶

The Final Report concluded that drug-crime relationships were not nearly as clear or as strong as politicians and legislatures had presumed based upon the motivations for enacting the drug laws.³⁷ Moreover, whether any link existed at all depended upon which of the three types of drugs-violence relationships was being examined and the quality of the research available.³⁸ For example, research showed that both property and violent crime were more strongly associated with the selling of drugs as compared to the ingestion of drugs.³⁹ This finding provided some support for the existence of systemic violence, but contradicted widespread beliefs about the existence of psychopharmacological violence.⁴⁰ In addition, considerable evidence pointed to an association between illegal drug markets and violent crime, especially aggravated battery and murder.⁴¹ Some research demonstrated a link between drugs and economically compulsive violence, most particularly during individuals' withdrawal from a drug, especially heroin; however,

³⁵ See Final Report, *supra* note 1, at 22-122 (examining, in depth, the multitude of studies performed with regard to the possible relationship between the use of various types of drugs and violence).

³⁶ See *id.* at 124-39 (discussing at least seven different ways to explain the relationship between drugs and violence); see also *supra* note 22 (listing the seven ways).

³⁷ See Final Report, *supra* note 1, at 140-43 ("There is so much variability across drugs that it is difficult to make broad generalizations that apply to all types of drugs, certainly as it involves the drugs and violence relationship."); App. A (same).

³⁸ See Final Report, *supra* note 1, at 26-122 (reporting the varying levels of correlation between violence and drugs within the three drug categories).

³⁹ See *id.* at 141 (stating that "[t]his supports the logic of systemic violence but runs counter to a psychopharmacological interpretation"); App. A (reporting that the Task Force found there to be a small amount of violence associated with economically compulsive behavior).

⁴⁰ See Final Report, *supra* note 1, at 26-97, 106-22, 141 (noting that the evidence of a stronger relationship between drug use and property crime, as compared to drug use and violent crime, further undermines the "psychopharmacological interpretation"); App. A (same).

⁴¹ See Final Report, *supra* note 1, at 26-96, 106-22, 140-43 ("Research suggests, and there is general agreement among the experts, that systemic violence represents the major form of drug related violence."); App. A (concluding, based on a thorough examination of the research available, that there is in fact a stronger relationship between selling drugs and violence than there is between using drugs and violence).

violence was typically used only as a last resort.⁴² Overall, there was greater empirical support for systemic violence relative to either economically compulsive or psychopharmacological violence.⁴³ Regardless, the nature and extent of systemic violence is still not entirely clear or strong, and it appears to vary across time and different types of drug markets.⁴⁴

Studies also showed that a number of drugs-violence relationships were counter-intuitive: for example, some drugs (e.g., opiates and marihuana) tend to decrease rather than increase violent behavior.⁴⁵ Similarly counter-intuitive is the direction of the causal relationship: research suggests that criminal behavior generally precedes, rather than follows, drug use.⁴⁶ Other viable explanations propose that drugs and violence share the same causal factors.⁴⁷ Regardless of the direction and source of the relationship, however, the kinds of social problems contributing to both drugs and violence cannot be eliminated by the criminal justice system alone; other social institutions must become involved.⁴⁸

The Final Report's most controversial conclusion concerned the then-current policies and programs, which included the conviction

⁴² See Final Report, *supra* note 1, at 98-105, 141-42 (reporting that "it does not appear that the proportion of addicts who engage in violent crimes to support their drug habit is very large"); App. A (same).

⁴³ See Final Report, *supra* note 1, at 78-122 (presenting and evaluating the research available for all three types of violence).

⁴⁴ See *id.* at 106-22, 142 (concluding that the four drug markets—local, export, import and public—produce varying degrees of violence although overall, systemic violence is the main problem); App. A (same).

⁴⁵ See Final Report, *supra* note 1, at 52-77, 141 (reporting that the Joint Committee of the ABA and AMA on Narcotics and Drugs, the President's Commission on Law Enforcement and Administration of Justice, the National Commission on the Causes and Prevention of Violence, the National Commission of Marijuana and Drug Abuse and the National Research Council Panel, concluded that opiates "may be one of the least dangerous drugs" with regard to violence, and that "[d]uring the past two decades, five major scientific reviews of the research literature have concluded that violent human behavior is either decreased or unaffected by cannabis use"); App. A (noting that the evidence is counter-intuitive to a drugs-violence relationship with regard to marijuana, opiates, LSD, and "alcohol in large quantities").

⁴⁶ See Final Report, *supra* note 1, at 124-31, 142. The research performed with regard to the relationship between drugs and crime has led researchers to abandon the notion that drug use causes crime. See *id.* This is due to the many recreational drug users whose drug use did not result in violent crime, and the increasingly popular position that criminals are more apt to become drug users. See *id.* at 124. "There is a growing consensus that involvement in criminal behavior precedes involvement with drugs, rather than drug use leading to criminal behavior." *Id.* at 142; App. A.

⁴⁷ See Final Report, *supra* note 1, at 124-31, 142 (noting the possibility of a causal order, whereby drug use and violence are caused by the same factors); App. A (same).

⁴⁸ See Final Report, *supra* note 1, at 144 (calling for a coordinated effort of the criminal justice system, communities and neighborhoods to "take an active role in the war against drugs and violence"); App. B (same).

and long-term imprisonment of large numbers of drug offenders. There was no evidence that such policies decreased either drug use or violence; moreover, there had actually been increases in both types of behaviors among youth.⁴⁹ The Final Report concluded that the retention of such policies, premised on the belief that drugs cause violence, could hinder the adoption of other, more appropriate, remedies.⁵⁰

From a social scientist's viewpoint, such conclusions seem sensible in light of the available drugs-violence research.⁵¹ There also appeared to be minimal debate about many of these general findings among the Task Force's social science academics.⁵² However, it is not surprising that there could be disagreement among the other Task Force members with political, administrative, and governmental affiliations. The Final Report's conclusions countered many, if not most, of the existing programs and policies.⁵³ The Task Force's unanimous agreement with the Final Report would, in effect, concede that the criminal justice system's goals and procedures in the drugs-violence area were nearly entirely misguided.⁵⁴ Understandably, the representative of a highly visible ex-officio Task Force member could feel that adhering to such conclusions was simply too politically risky, particularly at a time when the criminal justice view was dominant.

⁴⁹ See Final Report, *supra* note 1, at 143 ("Specifically, there is no research evidence showing that convicting and imprisoning large numbers of drug offenders for long periods of time has reduced violence or drug abuse. To the contrary, under current policy, there have been increases in both violent and drug-related behavior among youth."); App. A (same).

⁵⁰ See Final Report, *supra* note 1, at 143 (suggesting that the reason "drugs cause violence" beliefs will hinder the adoption of more appropriate remedies is that "the perceived connection between drugs and violence may . . . lead policymakers to use drugs as a 'proxy' for violence in an attempt to do something about the latter"); App. A (same).

⁵¹ See Final Report, *supra* note 1, at 143 (noting that the Final Report's conclusions were generally consistent with the findings of other groups that have examined the drugs-violence relationship in the past); App. A (same).

⁵² It bears reminding that the Task Force never had an opportunity to discuss together the Final Report's conclusions. See *supra* notes 5-6 and accompanying text (noting that the Final Report was never agreed upon by all of the members). I am assuming a general level of agreement among the social science academics based upon the Task Force's discussions on similar types of issues.

⁵³ See *supra* notes 37-52 and accompanying text (discussing the Final Report's conclusion that "drug-crime relationships were not nearly as clear or as strong as politicians and legislatures had presumed," and stressing that the current policy of long-term imprisonment of large numbers of offenders is not an effective weapon in the war against drugs).

⁵⁴ See Final Report *supra* note 1, at 145 (criticizing the methodology employed in past efforts to control drugs and violence, which, at the expense of the "demand side," sought to control the "supply side"); App. B (same).

III. THE UNRECONCILED TASK FORCE RECOMMENDATIONS

The Final Report's recommendations⁵⁵ varied in the extent to which they deviated from then-current beliefs and practices.⁵⁶ The Task Force agreed with the broad recommendations that established the Final Report's general themes and backdrop. However, Task Force members did not agree on many of the more specific, and perhaps more controversial, recommendations.⁵⁷

A. Broad Recommendations

The general themes proposed in the broad recommendations included the Task Force's recognition that violence and drug abuse are long-standing social problems that will not be solved quickly.⁵⁸ Although the causes of drugs and violence are not entirely clear, it appears that both are linked to social conditions in American society;⁵⁹ however, solving one problem (drugs) was not likely to solve the other (violence).⁶⁰ Moreover, past drug control efforts had inappropriately emphasized the supply side.⁶¹ Future efforts should focus on the demand side.⁶² Many demand reduction programs were likely to have beneficial results. At the same time, demand programs should be initiated on an experimental basis because there is inadequate evidence to address key concerns, such as "what works," "for whom," and "under what circumstances."⁶³ Regardless of the nature and origins of the drugs-violence problem, however, the Task Force agreed that the media exaggerated the danger

⁵⁵ See Final Report, *supra* note 1, at 144-55 (setting forth the Final Report's recommendations); App. B (setting forth the Final Report's recommendations with some modifications).

⁵⁶ See Final Report, *supra* note 1, at 145-55 (discussing the Final Report's recommendations and their relation to current practices); App. B (same).

⁵⁷ See Final Report, *supra* note 1, at 145 (listing those items the Task Force was able to agree upon); App. B (same).

⁵⁸ See Final Report, *supra* note 1, at 144-55 (commenting that violence and drug abuse "did not appear overnight" and there are "no abrupt solutions"); App. B (same).

⁵⁹ See Final Report, *supra* note 1, at 145 (listing racism, poverty, de-industrialization, unemployment, and dysfunctional families as factors that intensify the problems of violence and drug abuse); App. B (same).

⁶⁰ See Final Report, *supra* note 1, at 145 ("It may be necessary and perhaps more appropriate to seek separate solutions for each problem."); App. B (same).

⁶¹ See Final Report, *supra* note 1, at 145 (criticizing past drug control efforts); App. B (same).

⁶² See Final Report, *supra* note 1, at 145 (suggesting that the root of the drug problem may be undesirable social conditions found in American society); App. B (same).

⁶³ Final Report, *supra* note 1, at 145; App. B (same).

associated with it.⁶⁴ The public fear and social responses spurred by media accounts at times appeared to make matters worse.⁶⁵

B. Specific Recommendations

The Final Report's specific recommendations comprised four categories: (1) guidelines-related, (2) criminal justice policy, (3) non-criminal justice policy, and (4) research.⁶⁶ Of the four categories, the guidelines-related recommendations were the most controversial although they have been firmly embraced by others.⁶⁷

The Final Report's guidelines-related recommendations pinpointed specific provisions and/or policies that seemed ineffective, inaccurate, or misleading. For example, the Report recommended the repeal of mandatory minimum sentencing statutes because they had little effect on career or repeat high-end offenders (the targeted group), but rather impacted on low-end offenders who did not warrant lengthy custody.⁶⁸ Moreover, the Report proposed the reexamination of the role of drug quantity in the determination of offense levels in drug cases for two primary reasons: (1) drug quantity was viewed to be an inaccurate gauge of an individual's culpability, and (2) drug quantity was considered to cause the most injustice in sentencing for low-end individuals who held a minor role in large quantity drug offenses.⁶⁹ Similarly, the Report suggested a reexamination of the definition of "relevant conduct" in the realm of drug offenses because the high-quantity drug distribution behavior of high-end offenders should not be attributed to low-end individuals.⁷⁰ The law enforcement spotlight

⁶⁴ See Final Report, *supra* note 1, at 145 (recognizing that although drugs and violence are big problems, "the images created by the media . . . are frequently disproportionate to the magnitude of the real problems"); App. B (same).

⁶⁵ See Final Report, *supra* note 1, at 145 (asserting that the societal response is over exaggerated); App. B (same).

⁶⁶ See Final Report, *supra* note 1, at 145; App. B.

⁶⁷ See, e.g., Susan N. Herman, *Measuring Culpability by Measuring Drugs? Three Reasons to Reevaluate the Rockefeller Drug Laws*, 63 ALB. L. REV. 777 (2000) (criticizing the Rockefeller drug laws due to the removal of judicial discretion in sentencing and culpability based on the quantity of drugs possessed).

⁶⁸ See Final Report, *supra* note 1, at 146 (recommending the repeal of mandatory minimum sentencing statutes because career or repeat offenders "usually end up with guideline calculations in excess of the mandatory minimum," thereby limiting the guideline's effect on them); App. B (same).

⁶⁹ See Final Report, *supra* note 1, at 146 (suggesting an offense level calculation based on a defendant's role in the offense); App. B (same).

⁷⁰ See Final Report, *supra* note 1, at 146 (proposing a more accurate way of measuring culpable conduct with respect to drug offenses, for example, "[t]he requirement of 'jointly undertaken criminal activity'"); App. B (same).

should be directed toward drug trafficking king pins, "the most serious type of drug offender."⁷¹ Lastly, the Report recommended focusing on the violence/dangerous weapons components of drug offenses.⁷² This focus would help distinguish the penalties for violence and firearms in drug offenses from those penalties designed for drug type and quantity.⁷³

Once again, it is understandable that those Task Force members with political, administrative, or governmental experience, would not want to side with recommendations that diverged so far from currently accepted policies. In contrast, the academics would be relatively less constrained politically. Whether such disparate groups could ever agree on specific guidelines changes is unanswerable, although such a goal was implied (if not explicitly stated) when the Task Force was created.⁷⁴

Specific recommendations for the remaining three categories seem less controversial, although they are potentially more intrusive and costly.⁷⁵ With regard to criminal justice policy, for example, recommendation of a system of universal drug testing following arrest for serious offenses may invoke two issues: (1) privacy concerns for those individuals generally opposed to drug testing of any sort (or drug testing in this kind of context), and (2) financial concerns given the kinds of resources needed to institute such a system.⁷⁶ Alternatively, this strategy could be considered a cost saving device in the long run because it could prevent some of the most serious (resource-dominating) offenses from ever entering

⁷¹ Final Report, *supra* note 1, at 147; App. B (same).

⁷² See Final Report, *supra* note 1, at 147 (suggesting a reexamination of the "grading and quantity-level" penalties to allow for consideration of a specific drug's harmfulness and its association with violence); App. B (same).

⁷³ See Final Report, *supra* note 1, at 147 (advocating the distinction between penalties for violence and firearms from other types of drug offenses, in light of "a changing association between drug type, its marketing structure, and the accompanying systemic violence"); App. B (same).

⁷⁴ See Final Report, *supra* note 1, at 7 (asserting the Task Force's "purpose" as follows: "Based on a careful review of the best research currently available, and any additional information available to the task force, determine the most important and most valid conclusions that can be reached concerning the potential relationship(s) between drugs and violence"); see also *supra* note 31 and accompanying text (same).

⁷⁵ See Final Report, *supra* note 1, at 144-55 (setting forth the Task Force's recommendations); App. B (same).

⁷⁶ See Peggy Fulton Hora, et al., *Therapeutic Jurisprudence and the Drug Treatment Court Movement: Revolutionizing the Criminal Justice System's Response to Drug Abuse and Crime in America*, 74 NOTRE DAME L. REV. 439, 521, 533 (1999) (discussing concerns that have been raised with regard to drug treatment programs, such as the sacrifice of prisoners' rights and the cost of such programs).

the criminal justice system.⁷⁷ Moreover, this public health view of drug offending should be regarded as relatively less stigmatizing and privacy-invading than past efforts because the major goal is to find appropriate treatment for a particular kind of drug problem, rather than a punishment.⁷⁸ While further discussion of these issues is beyond the bounds of this Essay, the issues highlight the potential value of merging the criminal justice and the public health views.⁷⁹

Specific recommendations concerning law enforcement—such as the expansion of community policing and the design of enforcement policies that cater to the different types of drug markets—appear sensible in light of the available social science research.⁸⁰ They also mesh well with the proposals offered to reform other parts of the criminal justice system: (1) court, prosecution, and sentencing (such as alternative sentencing options appropriate for drug offenders) and, (2) treatment, such as developing linkages between the criminal justice and public health systems.⁸¹

Most of the specific recommendations for the remaining two categories (non-criminal justice policy and research questions), seem uncontentious. For example, it is difficult to imagine Task Force members quibbling about the value of improving: (1) the community coordination of different groups (city services, community residents etc.) to collaborate in their drug and crime control strategies, (2) the quality of life in the inner city, and (3) further research on the effectiveness of sanctions.⁸² Presumably, some Task Force members could be troubled about the extent of the intrusiveness of some proposals, particularly those involving children (for example, identifying and providing interventions for children with learning and behavior problems). However, such interventions already exist and they have proven effective.⁸³

⁷⁷ See Final Report, *supra* note 1, at 147-50 (explaining that drug testing would recognize a serious drug addiction problem, which could be used to direct drug addicted persons through alternative sentencing mechanisms); App. B (same).

⁷⁸ See Final Report, *supra* note 1, at 147-50 (proposing that the information gained from universal drug testing could be used in assigning appropriate treatment); App. B (same).

⁷⁹ See Final Report, *supra* note 1, at 147-52 (summarizing both the criminal justice and public health views and highlighting the similarities between the two); App. B (same).

⁸⁰ See Final Report, *supra* note 1, at 148-49 (recognizing that changing law enforcement strategies would have a positive affect on drug and related violent crimes); App. B (same).

⁸¹ See Final Report, *supra* note 1, at 147-48 (advocating expanded drug treatment and violence control programs throughout the criminal justice system); App. B (same).

⁸² See Final Report, *supra* note 1, at 150-55 (discussing the non-criminal justice policy recommendations and research questions recommended for study); App. B (same).

⁸³ See Preventing Drug Use Among Children and Adolescents (last modified Apr. 18, 1997) <<http://www.nida.nih.gov/Prevention/PREVOPEN.html>> (summarizing some successful youth

Moreover, General Barry R. McCaffrey, the White House's Director of National Drug Policy, has proposed an aggressive strategy of drug testing and treatment for every phase of the criminal justice system, ranging from arrests to imprisonment and post prison release.⁸⁴ McCaffrey's proposal mirrors directly what the Final Report suggested.⁸⁵

In general, it seems that the greatest conflict among Task Force members concerned the guidelines-related recommendations. Regardless, the Final Report appears to have predicted the nature and changing direction of current policies.

IV. A FINAL WORD ON THE TASK FORCE

The Drugs→Violence Task Force was created to examine the interrelationship between drugs and violence in a way no earlier commission or task force had attempted. In order to approach this goal comprehensively, the Task Force consisted of individuals from a range of disciplines and backgrounds (e.g., academics and those with political, administrative, and governmental positions). The members' diverse backgrounds contributed a wealth of perspective on the drugs-violence problem and enabled coverage of issues that may well have been neglected with a narrower group. Ironically, however, this rich blend also most likely hindered attempts toward unanimous agreement on the many conclusions and recommendations offered in the Task Force's Final Report. During Task Force meetings, disagreement about drugs and crime issues often appeared to reflect the traditional tension between the criminal justice view, which advocates detecting and punishing drug offenders,⁸⁶ and the public health view, which promotes treating drug addiction to prevent crime.⁸⁷

The Task Force's lack of consensus need not be regarded regrettably nor pessimistically, however. First, without the diversity in the Task Force's membership, topic coverage would

intervention programs already in place such as Project STAR, Life Skills Training Program, and Project Family).

⁸⁴ See *supra* note 11 and accompanying text (describing McCaffrey's strategy as one trying to reconcile the criminal justice approach and the public health approach).

⁸⁵ See Final Report, *supra* note 1, at 147 (recommending implementation of universal drug testing following arrest of serious offenders and using the test results to inform sentencing and treatment decisions); App. B. (same).

⁸⁶ See *supra* notes 7, 9 and accompanying text (explaining, in further detail, the ideology of the criminal justice view).

⁸⁷ See *supra* notes 8, 10 and accompanying text (explaining, in further detail, the ideology of the public health view).

have been far more confined. Second, despite the diversity of the Task Force members' backgrounds, the Final Report demonstrates an initial attempt to reconcile the criminal justice and public health perspectives on drugs and violence.⁸⁸ This integration of perspectives reflects the Clinton administration's current treatment-oriented approach to drug offenders in the criminal justice system, a marked contrast to prior policies.⁸⁹ Lastly, it seems that unanimous agreement may be an unrealistic goal for a Task Force of such disparate members, irrespective of the nature of the subject matter. Had the Task Force been granted more opportunities to meet, it is conceivable that the Final Report would have comprised two parts: (1) recommendations representing the majority of Task Force members, and (2) dissenting positions representing the remaining members. Presumably, some Task Force members may not have wanted to be associated with a report in which their views were frequently, or even occasionally, in the minority. On the other hand, if such a standard were made clear at the start of joining the Task Force, some members might welcome the chance to express and explain their disagreement.

A summary of the two-year Drugs→Violence Task Force effort is reflected in this Essay's title. Some bad things did happen to the Task Force's goals and good intentions. The Task Force was never able to complete its mission and group members lacked consensus. Yet, some good things occurred as well. Perhaps the most valued lesson learned from the Task Force experience is that such endeavors are well worth the ideological discord accompanying them. Moreover, if such discord can be made visible in future final reports representing a range of views and interests, it may not be such a bad thing after all. The demise of the Sentencing Commission's Drugs→Violence Task Force suggests two future goals for similar efforts: (1) embrace group members' disagreement, and (2) implement the effective changes and strategies that might accommodate it.

⁸⁸ See Final Report, *supra* note 1, at 144-55 (discussing recommendations based on both the public health approach and the criminal justice approach); App. B (same).

⁸⁹ See Wren, *supra* note 9 (stating "[t]he Clinton administration's top official on drug policy has proposed a strategy of integrating drug testing and treatment into virtually every phase of the criminal justice process, from arrests to incarceration and after release from prison"); *supra* note 11 (recommending a shift to the public health approach, calling the current approach a "disaster").

APPENDIX A

TASK FORCE CONCLUSIONS¹

- Most experts agree there is some type of relationship between drugs and violence, but significant issues concerning its causality, direction, form, magnitude and importance still must be determined.
- There is so much variability across drugs that it is difficult to make broad generalizations that apply to all types of drugs, certainly as it involves the drugs and violence relationship.
- The most logical forms for the study of the relationship between drugs and violence are: psychopharmacological violence, economic compulsive violence and systemic violence. There is varying research support for these different forms.
- Much of the “evidence” for a psychopharmacological relationship for humans between illegal drugs and violence is anecdotal in nature. There is some research supportive of a psychopharmacological interpretation, but the relationship is weak, variable—and in research using adequate controls—highly dubious. Findings from cross-cultural research challenge a psychopharmacological relationship between drugs and violence.
- For humans and other animals, the strongest evidence for a psychopharmacological relationship between drugs and violence is for alcohol, but that relationship is neither strong nor consistent and cross-cultural research questions its validity, particularly for humans.

¹ See Preliminary “Final” Report to the United States Sentencing Commission from the Drugs→Violence Task Force 140-43 (June 27, 1996) (unpublished manuscript, on file with the author and with *Albany Law Review*).

- The psychopharmacological relationship between alcohol and violence may be spurious. It appears to be mediated by factors such as individual proneness toward violence, social exceptions, and cultural practices.
- There are relatively few studies using human subjects and commonly accepted research procedures that have found a significant psychopharmacological relationship between ingestion of illegal drugs and violent crime.
- Some animal studies offer a measure of support for a psychopharmacological relationship between drugs (especially alcohol) and aggression. However, many of these findings are weak, the measures of aggression are frequently not comparable to violent crime, and the findings may not be transferable to humans.
- Most studies with humans finding a psychopharmacological effect used paper-and-pencil measures of aggression, or some other artificial measure, rather than behavioral measures of violence.
- For some drugs (amphetamines, barbiturates, PCP, [inhalants]) there has not been very much research on the psychopharmacological drugs-violence relationship. The paucity of research for these drugs may be a partial explanation for the lack of empirical support for a psychopharmacological relationship, but the best research currently available fails to provide much support for such a relationship.
- Evidence that is counter-intuitive to a drugs→violence psychopharmacological relationship is found in research on some of the illegal drugs—opiates and marihuana in particular, and perhaps LSD—and even for

alcohol in large quantities. These illegal drugs (and alcohol under patterns of heavy usage) tend to decrease rather than increase violent behavior. While these findings are logical—given the known chemical properties of the drugs, physiological processes within the body, and cultural reasons for using drugs—they are in direct opposition to a psychopharmacological interpretation in which drugs cause violence.

- There is a stronger relationship between illegal drug use and property crime than there is between illegal drug use and violent crime which runs counter to a psychopharmacological interpretation.
- There is a stronger relationship between **selling** drugs and crime (property and violent), than there is between **using** drugs and crime. This supports the logic of systemic violence but runs counter to a psychopharmacological interpretation.
- There is some research indicating that a small portion of violent crime is of the economic compulsive form.
 - Most of the support for an economic compulsive relationship between drugs and violence is found during withdrawal from a drug, heroin in particular. Research suggests, however, that resorting to violence to obtain drugs is avoided when possible and is used only as a last resort.
- There is considerable evidence for a relationship between illegal drug markets and violence, particularly aggravated battery and murder.
- Such a systemic relationship was strong with alcohol during prohibition, powder cocaine in the 1970's, and crack cocaine in the late 1980's and early 1990's.

- While there is greater support for systemic violence than for either economically compulsive or psychopharmacological violence, the magnitude of this relationship is unclear but not likely to be very strong. It is likely to be highly variable across time and for different types of drug markets.
- There is a growing consensus that involvement in criminal behavior precedes involvement with drugs, rather than drug use leading to criminal behavior. Other types of causal order are also possible (e.g. both drugs and violence are caused by a common factor).
- Youth gangs are associated with violence, and individual gang members may use drugs, but few youth gangs are organized for the primary purpose of drug trafficking and selling. If the number and relevance of gangs were diminished, violence would likely be reduced, but it is not likely that there would be any appreciable effect on drug trafficking.
- While problems with drugs and violence may have their own separate causes, they are part of a larger set of interrelated social problems that can't be solved by the criminal justice system alone. Involvement of other social institutions will be necessary to address these social problems.
- Treatment and prevention programs may prove effective in reducing drug use and violence if they are approached as experiments in progress rather than proven panaceas. Proper evaluation designs, approval of administrators, and funds for reasonable evaluations should be in place before treatment and prevention programs are implemented for either drugs or violence.
- There is no research evidence showing that drug policies over the last couple of decades have decreased drug use or violence. Specifically, there is no research evidence showing that convicting and imprisoning large numbers

of drug offenders for long periods of time has reduced violence or drug abuse. To the contrary, under current policy, there have been increases in both violent and drug-related behavior among youth.

- Adherence to and expenditures on policies that are based on a belief in a causal relationship between drugs and violence may prevent adoption of other policies that have a greater potential for reducing drug-related harms. With appropriate remedies for violence being very elusive, the perceived connection between drugs and violence may at times have lead policymakers to use drugs as a “proxy” for violence in an attempt to do something about the latter.
- The lack of strong data bases limits the ability to track trends and assess policies related to both drugs and violence.
- Most of the conclusions stated in this report are generally consistent with the findings and conclusions from earlier commissions, committees, and task forces that have examined research evidence concerning the drugs-violence relationship.

APPENDIX B

TASK FORCE RECOMMENDATIONS¹

BROAD RECOMMENDATIONS

- Violence and drug abuse represent important social problems in American society. But neither drugs nor violence is a new phenomenon. They have both existed in the United States, and in most societies, throughout recorded history. The problems did not appear overnight, and answers are not forthcoming that will result in their abrupt solutions.
- While violence and drug abuse are recognized as major problems, it is also recognized that the images created by the media, the public fear thus generated, and the societal response, are frequently disproportionate to the magnitude of the real problems and at times the response may exacerbate rather than ameliorate these problems.
- The root causes of these problems are not completely understood, but it seems apparent that both are intensified, if not directly caused, by some of the social conditions found in American society (e.g., racism, poverty, de-industrialization, unemployment, dysfunctional families).
- There are connections between drugs and violence, but solving one problem is not likely to solve the other. It may be necessary and perhaps more appropriate to seek separate solutions for each problem.
- Efforts to control drugs in the past have relied too heavily on the supply side at the expense of the demand side. A greater emphasis needs to be placed on the demand side.

¹ See Preliminary "Final" Report to the United States Sentencing Commission from the Drugs→Violence Task Force 145 (June 27, 1996) (unpublished manuscript, on file with the author and with *Albany Law Review*) [hereinafter Final Report].

- Many demand reduction programs are likely to have positive benefits, but the evidence is insufficient to answer the questions of “what works,” “for whom,” and “under what circumstances” with any reasonable degree of certainty. Many promising programs should be tried, but they should be initiated on an experimental basis with a careful evaluation plan required.

SELECTED SPECIFIC RECOMMENDATIONS²

GUIDELINES RELATED RECOMMENDATIONS

1. Repeal mandatory minimum sentencing statutes which have little impact on career or repeat offenders—precisely the individuals that should be targeted—because those offenders usually end up with guideline calculations in excess of the mandatory minimum. Instead, the mandatory minimums hit the low-end offenders who are typically the individuals that do not need to be in custody for ten or twenty years.

2. Reexamine the role of drug quantity in the calculation of offense levels in drug cases. This is considered by many to be a misleading indicator of an individual’s culpability for the offense under indictment. It is also perceived to result in the greatest unfairness in sentencing for those individuals who played a minor role in a drug offense involving a large quantity of drugs. Consider instead ways in which the role of the defendant can have a greater impact on the offense level calculations. Although the current guidelines consider role in the offense, this factor is diluted in large quantity cases because by the time the role adjustment is considered, the adjustment for minor role has minimal impact given the amount of time already earned by the quantity of drugs.

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² See *id.* at 146-55 (excerpt reprinted verbatim with modifications).

4. Reexamine the definition of “relevant conduct” as it relates to drug offenses. Quantities of drugs distributed by higher-ups should not be attributed to lower-level people who were not involved in those quantities. The requirement of “jointly undertaken criminal activity” was a step in the right direction, but didn’t go quite far enough.

5. Reexamine the grading and quantity-level judgments for specific drugs, with an eye toward their harmfulness and association with violence. Place more of the focus on the violence/dangerous weapons components of drug offenses.

6. Continue the emphasis on drug trafficking “king-pins” as the most serious type of drug offender with special attention to higher-level organizers, financiers, importers, and managers of sophisticated drug trafficking organizations. Separate “real traffickers” (king-pins) from “clockers” (street-corner sellers) with the heavier penalties reserved for the former.

7. Due to continually changing drug markets, and a changing association between drug type, its marketing structure, and the accompanying systemic violence, consider dissociating the penalties for violence and firearms in drug offenses from the penalties for drug type and quantity.

CRIMINAL JUSTICE POLICY RECOMMENDATIONS

1. Drug Assessment

a. Institute a system of universal drug testing as soon as possible following arrest for serious offenses or those in which a substance abuse problem might be indicated.

b. Establish a system to provide alcohol or other drug assessments for selected defendants. For those defendants indicating a serious problem or addiction, utilize this information in the diversion or sentencing decision process.

c. Utilize the assessment process to determine assignment of convicted offenders to prison-based, as well as community-based, treatment.

2. Law Enforcement Issues

a. Design law enforcement strategies that take into consideration the different types of drug markets. This could attenuate market-related violence through effects on market types, non-money costs of drug dealing, etc. Set enforcement priorities according to which markets, participants and drugs are most likely to be harmful.

b. Avoid “zero-tolerance” and other non-enforceable law enforcement policies that may be perceived as external threats by inner city youths and serve to coalesce and stabilize gangs.

c. Expand community policing. Community policing is an operation philosophy for neighborhood problem solving which works proactively and reactively to address serious crime, reduce fear, and improve the quality of life for all residents. In areas where drugs and associated violence are problems, citizens and police develop solutions that are responsive to local conditions.

d. Law enforcement organizations should be encouraged to coordinate efforts and share information between narcotic, gang and violent crime enforcement units.

3. Court, Prosecution, and Sentencing Issues

a. Avoid early incarceration of all but the most seriously-offending youths.

....

d. Search for other alternative sentencing options that are appropriate and cost-effective for dealing with drug offenders.

4. Treatment Issues

In general, using an experimental approach, expand the availability of drug treatment and violence control programs both in and out of prison. Develop and use linkages between the criminal justice system and the treatment system. Treatment should be available throughout the criminal justice system—probation, corrections and parole—and in the community in general.

....

NON-CRIMINAL JUSTICE POLICY RECOMMENDATIONS

1. Focus on Community Coordination

a. Law enforcement, city services, community residents, social service providers, schools, business owners and other stakeholders should work together to develop comprehensive and collaborative strategies to address the problems of drugs and violence within their community. Federal funding should be used to encourage such efforts. These coordination efforts should be carefully evaluated, however, because some of the similar efforts in the past have had questionable impact.

....

2. Improve the Quality of Life in the Inner City

a. Involve the wider society in developing solutions to the problems facing inner city communities.

b. Provide equitable services to the inner city, e.g., schools, police, hospitals, recreation facilities.

....

f. Invest public money for economic development in the inner city in order to restore jobs and provide alternatives to, and exits, from gang life, drug selling, violence and the other

activities associated with the underground economy of the inner city.

....

3. Educational Prevention Programs

a. Identifying children with behavior and learning problems and apply comprehensive interventions.

....

c. Work to change the norms in those subcultures which are permissive of problematic drug use and violence by conducting comprehensive educational efforts in the schools and communities. Communicate anti-drug messages through the media and public role models.

....

RESEARCH QUESTIONS RECOMMENDED FOR STUDY

1. Research on Effectiveness of Sanctions

a. To what extent are penal sanctions other than incarceration (for instance, coerced treatment) effective for drug-addicted offenders?

b. To what extent, if any, do criminal sanctions impact on drug-related violence?

....

2. Research on Systemic Violence

a. How much difference is there in the quantity and type of violence related to different types of drug markets?

....

- c. What are the consequences of different law enforcement practices relative to systemic violence?

3. Research on Treatment Effectiveness

- a. Does drug treatment work? If so, for whom, for what drugs, and under what circumstances?
- b. Does violence control treatment work? If so, for whom, for what types of violence, and under what circumstances?